

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Judiciary, to which was referred Senate Bill No. 190, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, line 14, after "affidavit" insert **"concerns only real**
- 2 **property and"**.
- 3 Page 1, line 16, delete "to the department of state revenue or the"
- 4 and insert **"as required by IC 6-4.1-8-4 if the affidavit concerns only**
- 5 **personal property."**.
- 6 Page 1, delete line 17, begin a new line blocked left and insert:
- 7 **"If consent by the department of state revenue or the appropriate**
- 8 **county assessor is required under IC 6-4.1-8-4 for the transfer of**
- 9 **personal property, the affidavit must be submitted with a request**
- 10 **for a consent to transfer under IC 6-4.1-8-4."**.
- 11 Page 2, delete line 1.
- 12 Page 2, line 2, after "If" insert **"consent by the department of state**
- 13 **revenue or the appropriate county assessor is required under**
- 14 **IC 6-4.1-8-4 before personal property may be transferred and"**.
- 15 Page 2, line 15, delete "." and insert **"or submitted under**
- 16 **IC 6-4.1-8-4."**.
- 17 Page 2, line 16, delete "(g)" and insert **"(h)"**.
- 18 Page 2, between lines 21 and 22, begin a new paragraph and insert:
- 19 **"(g) Except as provided in subsection (h), a lien attached under**
- 20 **IC 6-4.1-8-1 to personal property that is owned by the decedent**
- 21 **terminates when:**

- 1 **(1) an affidavit described in subsection (b) is properly**
- 2 **executed;**
- 3 **(2) the affidavit described in subsection (b) is submitted to the**
- 4 **department of state revenue or the appropriate county**
- 5 **assessor in conformity with IC 6-4.1-8-4; and**
- 6 **(3) the department of state revenue or the appropriate county**
- 7 **assessor consents to the transfer.**
- 8 **However subdivision (3) does not apply if consent of the**
- 9 **department of state revenue or the appropriate county assessor is**
- 10 **not required under IC 6-4.1-8-4 before the property may be**
- 11 **transferred."**
- 12 Page 2, line 22, delete "(g)" and insert "**(h)**".
- 13 Page 2, line 22, after "(f)" insert "**or (g)**".
- 14 Page 2, line 23, delete "real".
- 15 Page 4, line 8, delete "an affidavit stating that no inheritance tax is
- 16 due".
- 17 Page 4, line 9, delete "is recorded under".
- 18 Page 4, line 9, after "IC 6-4.1-4-0.5" and insert "**provides for the**
- 19 **termination of the lien"**.
- 20 Page 20, line 22, strike "or".
- 21 Page 20, line 23, delete "." and insert ";".
- 22 Page 20, between lines 23 and 24, begin a new line block indented
- 23 and insert:
- 24 **"(4) the person reasonably believes that the power of attorney**
- 25 **is not valid under Indiana law and provides the attorney in**
- 26 **fact with a written statement describing the legal and factual**
- 27 **basis for asserting that the power of attorney is not valid**
- 28 **under Indiana law; or**
- 29 **(5) the person reasonably believes that the power of attorney**
- 30 **does not grant the attorney in fact with authority to perform**
- 31 **the transaction requested and provides the attorney in fact**

- 1 **with a written statement describing the reason the person believes**
- 2 **the power of attorney is deficient under Indiana law."**
 (Reference is to SB 190 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 10, Nays 0.

Senator Bray, Chairperson